

ACCESS AT ISSUE: CHALLENGING THE STATUS QUO

Systemic Investigation of
Immigration, Refugees and
Citizenship Canada (IRCC)

Special Report to Parliament

May 25, 2021



Information
Commissioner
of Canada

Commissaire
à l'information
du Canada



"Canadians and people around the world are used to having quick access to the information they are seeking—just a click away on their phone, tablet or computer—from wherever they may be located geographically. Their expectations towards government institutions are high but not unreasonable given the technology and innovative solutions available."

*Information Commissioner
of Canada*

I initiated this investigation into Immigration, Refugees and Citizenship Canada's (IRCC) processing of access to information requests, in particular the requests for immigration application files, to better understand and address the dramatic increase in information requests received by this institution from April 1, 2017, to February 26, 2020, as well as in complaints registered by my office against IRCC. Specifically, in 2019-20, IRCC received a total of 116,928 access requests—an increase of 42% over the previous fiscal year. This increase has resulted in a striking increase in complaints registered by my office against IRCC—an increase of 670% in IRCC complaints from 2018-19.

Complaints against this one institution have historically represented a significant majority of the complaints investigated by my office simply on account of their receiving the highest volume of requests of any government institution. That said, the dramatic increase in complaints filed against IRCC in recent years is indicative that something has gone awry.

This systemic investigation confirmed that the extraordinarily high number of requests, and correspondingly high numbers of complaints, is the direct result of applicants and/or their representatives being unable to obtain information they are seeking about immigration application files through other means. And clearly, as the results of this investigation show, the Access to Information system is not the most efficient means of providing potential immigrants with the information they need.

I would like to acknowledge the collaboration between my office and IRCC officials throughout the course of this investigation,

as well as their openness to improving their access process and client services. During the investigation, I learned that IRCC has introduced a number of interim strategies and initiatives to address the increasing volume of access requests for client immigration files, even as it continues to develop and implement solutions to improve the client immigration experience. On April 15, 2021, I was pleased to receive IRCC's Management Action Plan detailing their commitments, with associated timelines, to address the issues raised in the context of this systemic investigation, as well as a work plan of other access to information initiatives undertaken by various sectors of IRCC. This is a step in the right direction.

While these measures would appear to indicate that IRCC is committed to ensure requesters obtain access to information in a timely manner, permanent and concrete solutions to the root cause of the strain on its access to information regime have yet to be fully put in place. Ultimately, these plans need to translate into tangible results.

The following presents a synopsis of the issues and recommendations made at the conclusion of this systemic investigation. A copy of the initial report presenting the findings and the recommendations I made to the Minister of Immigration, Refugees and Citizenship, as well as his response, are included as appendices. The final report of this systemic investigation can be found [here](#).

Caroline Maynard
Information Commissioner of Canada

WHY IS CHANGE NEEDED?

One of the questions this investigation sought to answer was why IRCC receives so many access requests when it offers options for applicants or their representatives to obtain information about the status of immigration applications.

More than ever, this is the time to innovate and develop a new approach to providing the information Canadians—and potentially, future Canadians—are seeking. This approach should recognize that access requests should complement, but not replace, proper mechanisms allowing individuals to directly and effectively obtain the information they need.

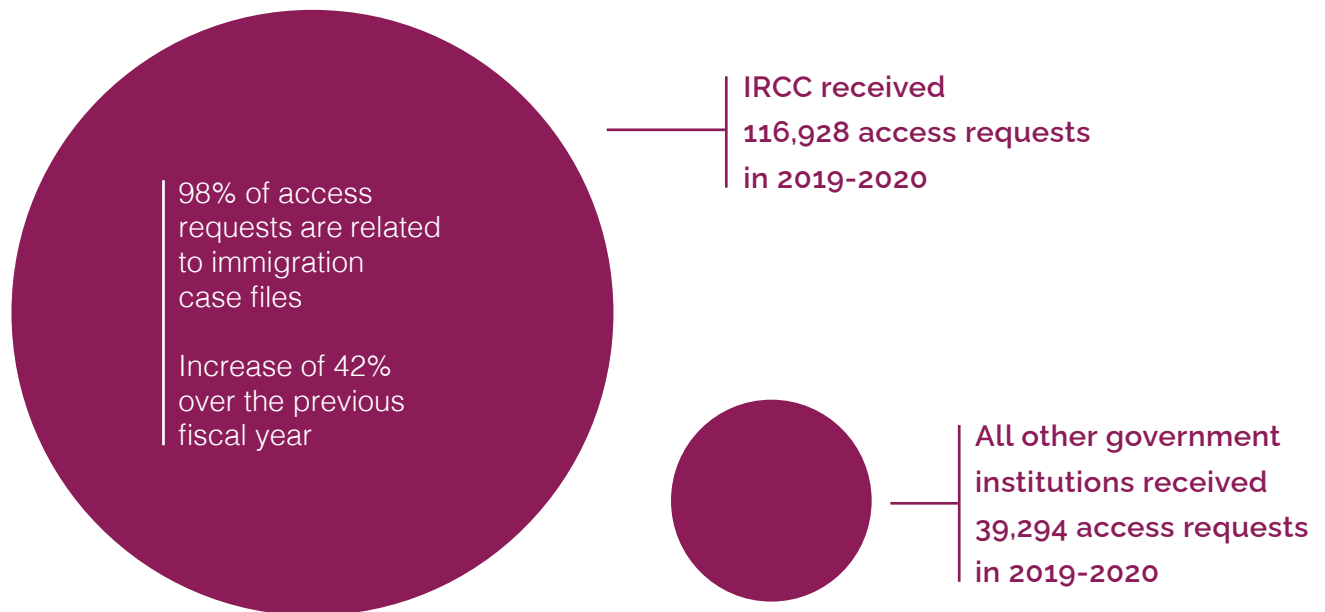
THE IRCC SYSTEMIC INVESTIGATION

IRCC derives its mandate from the *Department of Citizenship and Immigration Act*. The Minister of Immigration, Refugees and Citizenship is responsible for the *Citizenship Act* and shares responsibility with the Minister of Public Safety and Emergency Preparedness for the *Immigration and Refugee Protection Act*.

Through its key lines of business, IRCC interacts with millions of individuals in Canada and abroad annually. These include persons pursuing permanent residency, Canadian citizenship or seeking a temporary resident entry into Canada. IRCC is also responsible for passport services in support of individuals seeking to obtain or renew a Canadian passport or other travel documents.

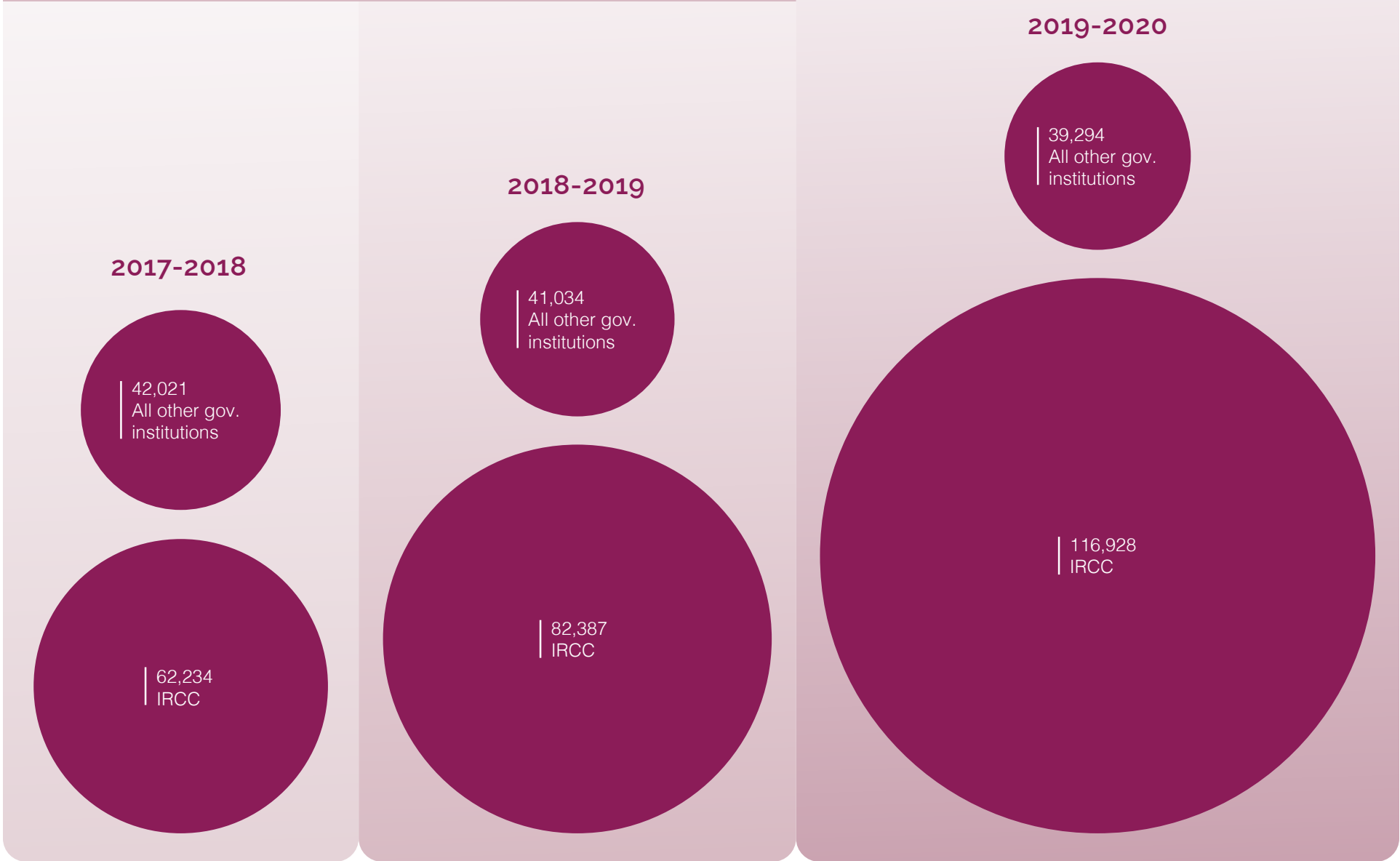
IRCC receives a high number of access requests and almost all (98.9%) of them are related to immigration application files. The majority comes from representatives of foreign nationals and immigration lawyers seeking information about their clients' immigration file. In 2019-20, IRCC received 116,928 access requests – an increase of 42% over the previous fiscal year. In fact, IRCC received almost three times more access requests than all other government institutions combined.

IRCC receives a high number of access requests and almost all (98%) of them are related to immigration case files. The majority of these come from representatives and immigration lawyers of foreign nationals seeking information about their immigration file.



Access requests received, 2017-18 to 2019-20

	2017-18	2018-19	2019-20
IRCC	62,234	82,387	116,928
All other government institutions	42,021	41,034	39,294



In 2019-20, IRCC ranked first for complaints to the Office of the Information Commissioner with 4,298 complaints registered.

THE IRCC SYSTEMIC INVESTIGATION (CONT.)

In 2019-20, IRCC ranked first for complaints to the Office of the Information Commissioner (OIC) with 4,298 complaints registered. The RCMP was next with 355 complaints.

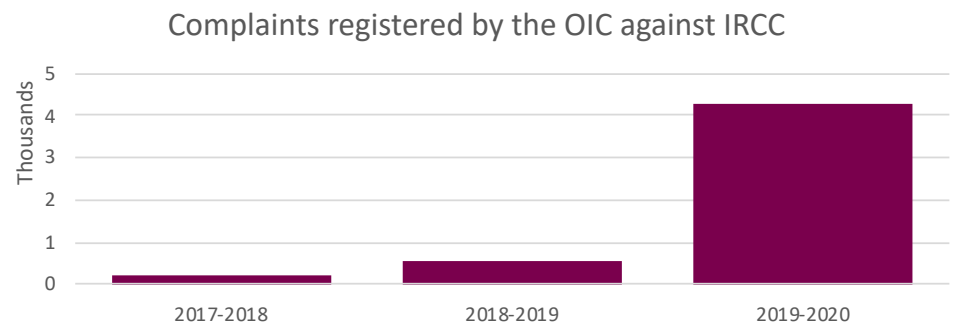
Ninety-seven percent (97%) of these complaints involved allegations that:

- IRCC failed to respond to access requests for immigration application files within the time limits set out in the *Access to Information Act*, and
- IRCC invalidly applied time extensions.

In the two years prior to 2019-20, the OIC registered only 226 and 558 complaints against IRCC, respectively.

In the context of this investigation, the OIC examined statistical evidence relating to requests and complaints. It also questioned IRCC officials and complainants, including immigration professionals who are frequent requesters of their clients' immigration files. As well, IRCC's processing of access requests for immigration files was examined, including the timeliness of responses and the nature of immigration application information typically released or withheld.

In addition, the OIC questioned why there is such a high demand for client immigration information under the Act, when an application status portal exists via IRCC's MyAccount to provide information related to immigration applications.



INFORMATION COMMISSIONER'S RECOMMENDATIONS

Following this investigation, the Commissioner made recommendations to IRCC. The final report concluding the investigation can be found [here](#).

For this special report, they have been grouped under the following priorities:

PRIORITY

1

Alternate approaches to obtaining information Decreasing the need for access requests

PRIORITY

2

Addressing other key issues

Performance – Adherence to legislated timelines

Processes – Barriers to meeting obligations under the Act

Adequate resources – Ensuring client needs are met and quality service is provided

PRIORITY 1

ALTERNATE APPROACHES TO OBTAINING INFORMATION – DECREASING THE NEED FOR ACCESS REQUESTS

The recurring complaint regarding the information available to immigration applicants or their representatives by other means than the access to information system is that it is not satisfactory: it does not enable potential immigrants to know details about their application's status or the basis for decisions, leaving them uncertain of the necessary actions to take to pursue their efforts to immigrate to Canada.

For example, IRCC's MyAccount portal provides little information on the status of the processing of an application, and correspondence outlining the results of an immigration application provides minimal information on the basis of the decision made by IRCC. Template letters, which do not provide specific details, are used to inform applicants or their representatives if their applications have been accepted or rejected.

In contrast, frequent requesters generally do obtain the information they want through access requests. This is consistent with the fact that the OIC receives very few complaints about IRCC withholding information in immigration application files using the exemptions in the Act. This is a clear indication that these access requests do yield information being sought, notwithstanding the fact that the access system is not the most efficient means to obtain it.

During the investigation, IRCC presented various measures it is taking to ensure clients can more easily obtain the information they seek:

Digital platform modernization: IRCC indicated that it will be modernizing its digital platform in the next two to three years, with the first of several products to be available in 2021–22. This transformation includes improving the MyAccount portal, introducing push notifications and enhancing generic content on IRCC's website.

RIGHT TO ACCESS TO RECORDS

Foreign nationals applying to immigrate to Canada who are not present in the country are not permitted to make access requests for the information they are seeking themselves. They must rely on an immigration lawyer or other representatives in Canada to submit requests on their behalf.

Subsection 4(1) of the Act provides that every person who is a Canadian citizen, or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*, has a right to and shall, on request, be given access to any record under the control of a government institution.

Under the *Access to Information Act Extension Order, No. 1*, this right was extended, but only to include all individuals who are present in Canada but who are not Canadian citizens or permanent residents within the meaning of the *Immigration and Refugee Protection Act* and all corporations that are present in Canada.

Refusal letters: IRCC is beginning a comprehensive review of various refusal letters, with the possible implementation of a new Temporary Resident Refusal letter in 2021–22. The letters would include more detail about why applications were refused, with the goal of reducing the need for clients to submit access requests to obtain this information. However, IRCC does not plan to include direct excerpts of the notes immigration officer make on cases, which clients frequently request to see. IRCC reported that it is continually improving the online availability of case status information and that client feedback surveys have been very positive.

Other program area improvements: According to IRCC officials responsible for access to information and privacy (ATIP), reviewing records for possible exemptions is the most labour-intensive part of the access request process. However, to date, they have taken little action to address this problem. To assist with this and reduce processing time, IRCC should consider “pre-ATIPing” immigration application files as they are created. This would involve adding fields to the files to indicate which content may be disclosed, which should not be disclosed and which requires review. Reviewing records or the application of exemptions could also become more efficient with improvements to information management at the program level.

COMMISSIONER'S RECOMMENDATION

Implement or augment IRCC's plans and strategies to improve the availability of client immigration information so as to alleviate undue pressure on the access regime.

RESPONSE FROM THE MINISTER OF IMMIGRATION, REFUGEES AND CITIZENSHIP

The Minister agrees with the recommendation. He confirms that IRCC is working to improve the availability of client immigration information through other means than access requests and find the root cause driving clients to submit requests. The improvements mentioned by the Minister include:

- *Digital Platform Modernization* – IRCC is actively pursuing updates and improvements to its MyAccount functionality to allow for better communication of case status updates to clients. The full rollout is expected in 2023-24.
- *Refusal Letters* – IRCC is increasing the amount of details contained in refusal letters to help clients better understand the reasons their applications were refused. It expects that this initiative will help to reduce the need for clients or their representatives to make access requests. In addition, IRCC is undertaking a comprehensive analysis of the root causes driving ATIP requests, with the possibility of exploring alternative means of getting clients the information that they seek.
- *Other program area improvements* – IRCC conceded that while the review of records for potential exemptions is exceedingly labour-intensive, “pre-ATIPing” immigration application files as they are created would cause a significant resource strain and be of limited effectiveness, since the vast majority of files are not requested via access requests. Furthermore, IRCC holds a significant amount of personal and sensitive information. The Minister maintained that releasing information without review could cause irrevocable harm to IRCC's clients. As a result, the Minister is of the view that “pre-ATIPing” is not feasible.

PRIORITY 2 - ADDRESSING OTHER KEY ISSUES

PERFORMANCE – ADHERENCE TO LEGISLATED TIMELINES

Under the Act, each institution is required to respond to access requests within 30 calendar days. If one of the circumstances listed in section 9 exists, an extension of time is permitted. If a valid time extension is not taken, or if the request is not responded to within a validly claimed time extension, it is deemed a refusal of access.

The vast majority of IRCC's time extensions were claimed under paragraph 9(1)(a) of the Act. This provision allows institutions to extend the timeframe to respond for a reasonable period, having regard to the circumstances if:

- the request is for a large number of records or necessitates a search through a large number of records; and
- meeting the 30-day deadline would unreasonably interfere with the institution's operations; and
- the extension of time is for a reasonable period, given the circumstances.

In 2019-20, IRCC claimed 11,366 time extensions, an increase of over 300% since 2017-18. This increase correlates to an increase in the number of complaints received by the OIC regarding IRCC.

The OIC also learned that IRCC has developed the practice of automatically claiming time extensions based on the number of requests submitted by certain individuals. More specifically, IRCC identified the five individuals who have submitted the most requests per year and has taken to automatically claiming 60 or 90-day time extensions to all requests made by these individuals.

Subsection 4(2.1) of the Act clearly states that the head of a government institution make every reasonable effort to assist the person in connection with the request, respond to the request accurately and completely and, subject to the regulations, provide timely access to the record in the format requested. They must do so

“without regard to the identity of a person making a request”. IRCC's practice is entirely inconsistent with this obligation.

As well, paragraph 9(1)(a) of the Act speaks to extensions of time “for a reasonable period of time, having regard to the circumstances” if “the request” satisfies the requirements described. Nothing in the language of this provision, or the manner in which it has been interpreted by the Treasury Board of Canada Secretariat or the courts, authorizes an institution to group entirely distinct access to information requests together for the purposes of claiming an extension of time.

COMMISSIONER'S RECOMMENDATION

Cease the practice of claiming time extensions under paragraph 9(1)(a) based on the number of requests submitted by any one requester.

RESPONSE FROM THE MINISTER OF IMMIGRATION, REFUGEES AND CITIZENSHIP

On March 1, 2021, IRCC stopped relying on paragraph 9(1)(a) to claim time extensions based on the collective volume of records responsive to the total number of individual requests made by an individual.

Timeliness – Access to Information requests processed in 30 days or less			
	2017-18	2018-19	2019-20
IRCC access requests	62,234	82,387	116,928
Requests processed in 30 days or less (%)	58%	58%	51%

Time extension complaints received by the OIC regarding IRCC		
2017-18	2018-19	2019-20
20	12	2,529

PRIORITY 2 - ADDRESSING OTHER KEY ISSUES

PROCESSES – BARRIERS TO MEETING OBLIGATIONS UNDER THE ACT

IRCC recognizes the magnitude of the challenges it faces with regard to processing access requests. It also became clear that the fact that immigration clients and their representatives cannot obtain some key information about their immigration application files through other means than access to information is placing a considerable strain on IRCC's ATIP office and its ability to process requests within the time limits set out in the Act. IRCC has acknowledged its struggles related to current processes and systems and put in place strategies to manage the high volume of ATIP requests it receives.

IRCC should be recognized for its efforts to streamline and modernize processes. That said, the strategies IRCC has developed and implemented to date have not sufficiently addressed the root cause of the increased volume of access requests.

COMMISSIONER'S RECOMMENDATIONS

1- DEVELOP A WORK PLAN SHOWING THE SPECIFIC, MEASURABLE ACTIONS TAKEN OR TO BE TAKEN TO IMPROVE PERFORMANCE WITHIN THE ATIP OFFICE, INCLUDING:

- Whether IRCC has implemented any further blitzes, under what circumstances and with what results;
- Details on the implementation of robotic process automation into the administrative processes within the ATIP office;
- Details regarding other potential improvements to IRCC's processing workflow, including increased interoperability between the case management system and the access redaction software;
- Review of the online request form, including consideration of potential solutions to allow requesters to further narrow the scope of their requests and reduce unnecessary processing of records within the client immigration file; and
- Details on the various action plans and ATIP modernization plan, including specific initiatives, implementation timelines and predicted outcomes/gains for each proposed initiative.

2 - BY THE END OF 2021, PUBLISH THE CONCRETE RESULTS AND IMPACTS OF ALL SPECIFIC, MEASURABLE ACTIONS STATED IN ITS WORK PLAN.

RESPONSE FROM THE MINISTER OF IMMIGRATION, REFUGEES AND CITIZENSHIP

The Minister agrees with the recommendation to develop a work plan demonstrating specific, measurable outcomes on performance strategies and other actions to be taken to improve performance within IRCC's ATIP office. The Minister has indicated that this will include the pursuit of innovative approaches to automate administrative functions linked to IRCC's ATIP processing, acquiring new and responsive software to increase processing efficiency and interoperability, as well as pursuing further improvements to its ATIP online request form.

WORKING TOWARDS A BETTER IMMIGRATION CLIENT EXPERIENCE

On April 15, 2021, IRCC sent to the Information Commissioner its Management Action Plan detailing its commitments, with associated timelines, to address the issues raised in this investigation, as well as a work plan of other ATIP initiatives undertaken by various sectors of the institution. The Commissioner is encouraged by IRCC's positive reaction to her recommendations.

SUMMARY OF IRCC STRATEGIES

1 – Blitzes:

A short-term solution that allows ATIP to reallocate trained resources from one segment of the workflow to another. These range from “flash blitzes” focusing on one task to “full blitzes”, which focus on all tasks and lines of business.

2 – Robotic Process Automation:

“Bots” are to be used for intake data entry, enter new requests into ATIP's processing software and improve processing times by 5 to 7 minutes per request.

3 – Online Request Form:

Improvements to the form have reduced the number of requests missing information or containing incorrect or invalid information. By introducing drop-down menus and menu options to simplify the process for requesters, IRCC states that the improved request form has reduced incomplete requests from 30% to 10%-15%.

4 – ATIP modernization:

An ATIP Modernization Team was set up to oversee and coordinate the various initiatives within ATIP and throughout the institution to find solutions to contain and address the growing number of access requests.

PRIORITY 2 - ADDRESSING OTHER KEY ISSUES

ADEQUATE RESOURCES – ENSURING CLIENT NEEDS ARE MET AND QUALITY SERVICE IS PROVIDED

During the investigation, it was pointed out to IRCC that staffing levels in its ATIP office over the past few years fall well short of the resources devoted by other government institutions to their ATIP function based on volume of requests.

IRCC responded that its ATIP workforce is able to produce more than other institutions with fewer resources and maintains that workforce levels and processes are consistently reviewed to ensure client needs are met and quality service is provided. IRCC acknowledges, however, that the increase in volume continues to put pressure on its resources.

COMMISSIONER'S RECOMMENDATION

Secure adequate short-term human and financial resources for its ATIP processes so it can meet its obligations under the Act, until permanent solutions to decrease the demands placed on its ATIP office are implemented.

RESPONSE FROM THE MINISTER OF IMMIGRATION, REFUGEES AND CITIZENSHIP

The Minister agrees with this recommendation. IRCC is working towards securing additional human and financial resources for the ATIP function, in conjunction with the departmental action plan, while implementing permanent technological solutions to meet its obligations under the Act.

OTHER MATTERS RAISED BY THE MINISTER

In his concluding remarks in response to the Information Commissioner's recommendations, the Minister of Immigration, Refugees and Citizenship requested the OIC's support in advocating for improvements to the Act and broader access to information, but in a manner that balances the right of requesters to access information with the operational impact it has on institutions' ability to efficiently respond to access requests. The Commissioner assured the Minister that she is keenly interested in the legislative review of the Act.

The Minister also asked for the Information Commissioner's support in advocating that some practices of immigration consultants be investigated. Practices between immigration consultants and their clients are beyond her jurisdiction.

"I call on IRCC to be bold and ambitious in its plans to transform the way in which it delivers information to its clients.

In addressing this specific issue, IRCC has a great opportunity to change its approach to client service and become a leader in providing relevant information to clients."

*Information Commissioner
of Canada*

CONCLUSION

This investigation has laid bare the fact that immigration applicants have been forced to resort to making access requests because the information they needed, most notably the status of applications and the reasons for rejections, was not directly available to them through IRCC's MyAccount portal or the refusal letters sent to them. There are more efficient and effective ways of providing potential immigrants with information concerning their applications than the *Access to Information Act*, which is meant to provide access to records under the control of an institution.

In this context, simply attempting to make the IRCC's access to information system more efficient cannot be an end in itself. Instead, efforts should be concentrated where they are likeliest to find success. This means finding alternatives to access requests that provide information requesters are seeking, while simultaneously exploring ways to address other shortcomings in the system where they currently exist.

Through this investigation, it became apparent that IRCC recognizes the magnitude of the challenges it faces with regard to processing access requests. As such, I call on IRCC to put in place innovative solutions, which go beyond established processes, to provide prospective immigrants the information they seek.

These measures could go a long way toward alleviating the undue pressure currently placed on IRCC's ATIP office due to the

abnormally high workload created by the surge in requests in recent years. Even more importantly, they could herald a significant leap forward for the IRCC both in the area of transparency and in client service to Canadians, future Canadians, as well as those who wish to visit or study here.

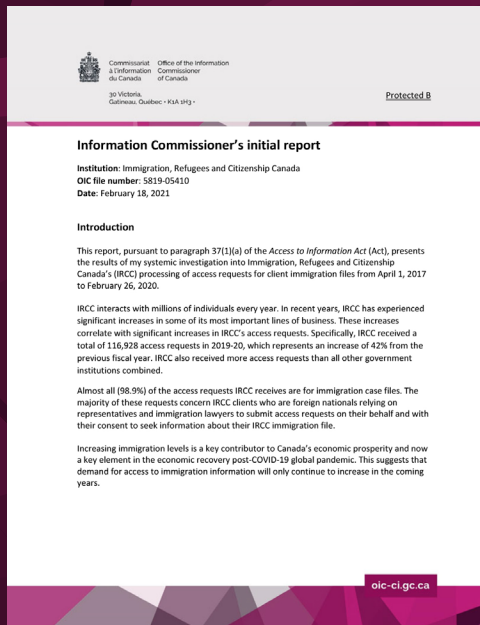
IRCC has shown itself to be adaptable and agile, especially for its size. During the COVID-19 pandemic, it has had to adjust its processes and procedures to facilitate telework by equipping employees with sufficient remote capacity. IRCC processed access and privacy requests throughout the pandemic and its ATIP Office continues to function well despite the challenges posed by the current public health measures.

It is my hope that the innovations IRCC described in its response as well as in its work plan and management plan, along with additional resources, will lead to more information being available to immigration clients and their representatives through other means than access requests, thus lessening the burden on the system.

The Government has signalled its belief that Canada's ongoing economic prosperity and recovery from the COVID-19 pandemic will rely on increasing immigration levels. This suggests that the demand for access to immigration information will only continue to grow.

IRCC needs to act accordingly.

ANNEX 1.1



Initial Report
of the Information
Commissioner regarding
Immigration, Refugees
and Citizenship Canada
dated February 18, 2021,
that conveys the results
of the systemic investigation
of the institution's access
to information processes.

INFORMATION COMMISSIONER'S INITIAL REPORT

Institution: Immigration, Refugees and Citizenship Canada
OIC file number: 5819-05410
Date: February 18, 2021

INTRODUCTION

This report, pursuant to paragraph 37(1)(a) of the *Access to Information Act* (Act), presents the results of my systemic investigation into Immigration, Refugees and Citizenship Canada's (IRCC) processing of access requests for client immigration files from April 1, 2017 to February 26, 2020.

IRCC interacts with millions of individuals every year. In recent years, IRCC has experienced significant increases in some of its most important lines of business. These increases correlate with significant increases in IRCC's access requests. Specifically, IRCC received a total of 116,928 access requests in 2019-20, which represents an increase of 42% from the previous fiscal year. IRCC also received more access requests than all other government institutions combined.

Almost all (98.9%) of the access requests IRCC receives are for immigration case files. The majority of these requests concern IRCC clients who are foreign nationals relying on representatives and immigration lawyers to submit access requests on their behalf and with their consent to seek information about their IRCC immigration file.

Increasing immigration levels is a key contributor to Canada's economic prosperity and now a key element in the economic recovery post-COVID-19 global pandemic. This suggests that demand for access to immigration information will only continue to increase in the coming years.

Under the Act, unless one of the circumstances listed in section 9 allowing for an extension of time to be taken exists, an institution is required to respond to access requests within 30 calendar days. Failure to take a valid extension of time or respond to a request within 30 days results in a deemed refusal of access. Last year, the Office of the Information Commissioner (OIC) registered 4,298 complaints against IRCC. Ninety-seven percent (97%) of these complaints involved allegations that IRCC failed to respond to access requests for immigration file records within the time limits set out in the Act. In the two years prior to 2019-20, the OIC registered only 226 and 558 complaints against IRCC, respectively.

I initiated this systemic investigation to better understand and address the root cause of this dramatic increase in requests and complaints.

I learned that IRCC has implemented a number of interim strategies and initiatives to address the increasing volume of access requests for client immigration files while it develops and implements permanent solutions to improve the client immigration experience. Accordingly, this report is organized into two sections: initiatives intended to improve IRCC’s access performance, and initiatives that may in the long term decrease the need for access requests seeking immigration information.

INVESTIGATION

The OIC sent the Notice of Intention to Investigate to IRCC on February 26, 2020.

During the investigation, the OIC examined statistical evidence relating to requests and complaints and sent written questions to officials in IRCC’s Access to Information and Privacy (ATIP) Office. The OIC examined IRCC’s processing of access requests for client immigration files, including the timeliness of responses and the types of immigration application information typically released or withheld by IRCC. The OIC also questioned why there is such a high demand for client immigration information under the Act, when an application status portal exists via IRCC’s MyAccount to provide information related to immigration applications.

In order to understand the experiences and concerns of professionals who work in the field of immigration, the OIC obtained information from individuals who are frequent requesters (hereinafter “frequent requesters”) of their clients’ immigration files held by IRCC.

I communicated my preliminary findings to IRCC’s Deputy Minister on October 23, 2020, and invited IRCC to provide its representations. The OIC received IRCC’s representations on December 18, 2020.

What follows summarizes the evidence gathered and the representations I received from IRCC during the investigation, along with my findings and recommendations. It is worth noting that IRCC’s ATIP Office provided a significant amount of information to the OIC, and has fully cooperated with this investigation.

IMPROVING PERFORMANCE WITHIN THE ATIP OFFICE

Of the 4,168 delay or time extension investigations initiated by the OIC against IRCC in 2019-20, 4,141 have been closed as “resolved”. This means that the complaints became “moot” because IRCC sent responses before the OIC could fully investigate and issue findings regarding the allegations. Regardless of the lack of findings in these investigations, IRCC has acknowledged that the significant increase in access requests has impacted its ability to comply with its obligations under the Act.

	2017-18	2018-19	2019-20
IRCC access requests	62,234	82,387	116,928
Timeliness (% requests processed in 30 days or less)	58%	58%	51%

USE OF TIME EXTENSIONS

In 2019-20, IRCC claimed 11,366 time extensions, an increase of over 300% since 2017-18. This increase correlates to an increase in the number of complaints received by the OIC regarding IRCC.

Time extension complaints received by the OIC regarding IRCC		
2017-18	2018-19	2019-20
20	12	2,529

The vast majority of IRCC’s time extensions were claimed under paragraph 9(1)(a) of the Act. This provision allows institutions to extend the timeframe to respond for a reasonable period, having regard to the circumstances, if:

- the request is for a large number of records or necessitates a search through a large number of records; and
- meeting the original time limit would unreasonably interfere with the operations of the government institution.

In *Information Commissioner of Canada v. Minister of National Defence*, 2015 FCA 56, the Federal Court of Appeal made clear that:

- a failure to meet one or more of the conditions set out in paragraph 9(1)(a) renders the extension of time void, with the result that the 30-day time limit to respond to the request remains in effect;
- the government institution
 - must make a serious effort to assess the required duration; and
 - the estimated calculation must be sufficiently rigorous, logical and supportable to pass muster under a reasonableness review;
- extensions of time based on simple formulaic calculations will, on their face, “fall short” of demonstrating that a genuine attempt was made to assess their required duration.

Despite this guidance from the Court, the OIC learned during this investigation that IRCC has developed the practice of automatically claiming time extensions based on the number of requests submitted by individuals. More specifically, IRCC has identified the five individuals who have submitted the most frequent requests per year and has taken to automatically claiming 60 or 90-day time extensions to all requests made by these individuals based on the number of requests that they have made.

According to IRCC, this practice is:

- consistent with the Federal Court’s decision in *Statham v. Canadian Broadcasting Corporation*, 2009 FC 1028, as well as the OIC’s management of its investigation caseload;
- in keeping with IRCC’s duty to assist obligations under the Act; and
- endorsed by the Treasury Board Secretariat’s (TBS) *Access to Information Manual*.

I disagree. Nothing in the *Statham* case, subsequent appeal (2010 FCA 315), or facts underlying those decisions, authorizes an institution to claim extensions of time based on the number of requests made by an individual. The *Statham* case involved the Canadian Broadcasting Corporation’s (CBC) numerous “deemed refusals” of access that had been subject to complaints to the OIC. The Court of Appeal concluded that the CBC remained in “deemed refusal” notwithstanding its commitment to respond to all outstanding requests by a specified date recommended by the Commissioner.

The *Statham* decision also makes clear that the OIC has considerable discretion in the manner in which it carries out its investigations and manages its caseload. This is not analogous to an institution’s obligations under the Act.

Subsection 4(2.1) requires that the head of a government institution make every reasonable effort to assist the person in connection with the request, respond to the request accurately and completely and, subject to the regulations, provide timely access to the record in the format requested, “**without regard to the identity of a person making a request**”. IRCC’s practice of claiming standard time extensions based on the identity of requesters and the number of annual requests that they have made is entirely inconsistent with this obligation.

As for paragraph 9(1)(a), this provision expressly speaks to extensions of time “for a reasonable period of time, having regard to the circumstances” if “**the request**” (singular) satisfies the requirements described. Nothing in the language of this provision, or the manner in which it has been interpreted by TBS or the courts, authorizes an institution to group entirely distinct access to information requests together for the purpose of claiming an extension of time.

Although the TBS’s *Access to Information Manual* offers guidance to institutions regarding what constitutes “a large volume of records”, it in no way suggests that a series of unrelated access to information requests can be lumped together for the purpose of satisfying the requirements of a valid extension of time.

IRCC’s practice, on its face, disregards the Federal Court of Appeal’s pronouncements, as well as paragraph 9(1)(a)’s explicit wording, i.e., that **the request**: is for “a large number of records or necessitates a search through a large number of records”; and that meeting the original time limit would unreasonably interfere with the operations of the government institution.

Based on the evidence and representations before me, I conclude that IRCC’s practice of claiming time extensions based on a requester’s identity and the total number of requests made is not permitted under the Act.

I recommend that IRCC:

1. Cease the practice of claiming time extensions under paragraph 9(1)(a) based on the number of requests submitted by any one requester.

PROCESS IMPROVEMENTS

According to IRCC, when the institution receives a new access request, data is entered manually into the access processing system. An IRCC ATIP officer then receives and reviews the request, and determines where to search for responsive records. Once the records have been saved into the access system, they are reviewed for potential exemptions, and a response is prepared and sent.

The majority of requests for client immigration files seek records contained within IRCC's immigration case management system. IRCC ATIP officers have direct access to the case management system; therefore, when IRCC ATIP is certain that all the requested information can be found in the case management system, a tasking to the program official is not required. However, if all documents were not uploaded into the case management system by the program, the ATIP analyst will task the appropriate office to retrieve all relevant documents.

Because the case management system does not communicate with IRCC ATIP's redaction software, documents have to be electronically transferred from one system to the other. This transfer can take from 1-2 minutes to an hour per request depending on the volume of data to be transfer.

IRCC indicated that the following initiatives have been developed to refine its procedures and tools, with a view to reducing processing times.

BLITZES

Blitzes refer to a short-term solution that allows ATIP to reallocate trained resources from one segment of the workflow to another. These range from "flash blitzes" focusing on one task to "full blitzes", which focus on all tasks and lines of business. The investigation learned that blitzes are used to address backlogs, particularly in the data entry required in the registration of requests, and are used sporadically. IRCC has implemented blitzes five times since 2017.

IRCC acknowledges that blitzes can lead to backlogs in other areas of its ATIP unit. As such, they are used as a last resort while IRCC is looking at more sustainable solutions that leverage technology, such as developing its own case management software (with approval from Treasury Board Secretariat) that meets IRCC's unique needs.

ROBOTIC PROCESS AUTOMATION

IRCC is in the process of programming and testing Robotic Process Automation, or "bots", that will be able to enter new requests into ATIP's processing software. In its representations, IRCC states that the use of "bots" for intake data entry may improve its request processing times by 5 to 7 minutes per request, which represents a significant savings in work hours when multiplied by the total number of requests received in a given year.

IRCC further states that the use of "bots" may:

- alleviate the need for "frontlog" blitzes, i.e., blitzes to address backlogs in the registration of requests;
- allow for reallocation of resources;
- increase capacity on other teams;
- reduce backlogs associated with registering requests; and,
- create peace of mind for staff by reducing backlogs and the need for overtime.

IRCC intends for the full rollout of "bots" for this function by the fourth quarter of 2020-21.

IRCC is considering the further use of robotic process automation in various other administrative functions, including retrieving records from its case management system; importing records into its redaction software; and mailing out release packages. IRCC aims to develop and implement these further uses over the next three years, depending on the feasibility of each phase and the interoperability with its case management system.

ONLINE REQUEST FORM

In its representations, IRCC indicated that it has made a number of improvements to its online request form over the past few years in an attempt to reduce the number of incomplete requests and to simplify processing. Incomplete requests are requests that are missing

information or contain incorrect or invalid information. IRCC introduced drop-down menus and menu options to simplify the process for requesters. IRCC states that the improved request form has reduced incomplete requests from 30% to 10%-15% and thus has improved processing times.

Frequent requesters expressed frustration with the text box on the form, which allows them to provide additional information, including details about the specific records sought, which can further reduce the scope of the request. In their representations, frequent requesters claimed that they are interested in:

- “Eligibility” information, generally found on page 2 of their client’s electronic immigration file, as this information confirms that the documents provided are adequate for the application to proceed; or,
- In the case of an application refusal, the Officer’s Notes portion of the file.

They claim that IRCC does not consistently consider descriptions of the specific information sought when processing requests, and therefore processes more records than necessary. This presumably lengthens the time required to respond to requests.

In its representations, IRCC indicated that when requesters use the available text box, ATIP clerks consider this information as well. If required, ATIP will contact requesters for clarification.

ATIP MODERNIZATION EFFORTS

In its representations, IRCC indicated that in 2018, an internal audit was conducted to assess the governance and control framework’s effectiveness in managing IRCC’s ATIP requests.

The audit revealed that IRCC needed to develop a long-term strategic plan to improve managing access and privacy requests within the ATIP Division and across the institution.

In 2019, IRCC created an ATIP taskforce to identify the reasons for the growing number of access requests and to find practical solutions to address the increases. As a result, IRCC is also developing an IRCC ATIP action plan to improve client services and consider best practices from other institutions.

In June 2020, IRCC also established an ATIP Modernization team to oversee and coordinate the various initiatives within ATIP and throughout the institution to find solutions to contain and address the growing number of access requests.

IRCC indicated that it is considering all actions to improve the effective and efficient management of the ATIP function at IRCC. However, it provided few details on the work done to date, or timelines for implementation.

CONCLUSIONS

It is evident that IRCC has acknowledged the difficulties it is facing in meeting its obligations under the Act. To meet these challenges, IRCC has put strategies in place and has plans to implement other approaches within its ATIP office to address the volume of requests.

However, IRCC has not convinced me that to date, these strategies have been sufficiently effective in addressing the increasing volume of requests.

Blitzes, while possibly effective in reducing backlogs in the short term, place strain on human and financial resources, and have the potential to cause backlogs in other stages of the processing of requests.

The development of robotic process automation for administrative functions holds promise, and while this initiative is still in the preliminary stages of implementation, I encourage IRCC to continue expanding its automation capacity for administrative functions within its ATIP workflow. I note, however, that progress on this initiative has been slow. The first phase of automation is not yet operational, and IRCC has given itself a further three years to fully implement robotic process automation in five areas of its workflow.

Concerning the online request form, IRCC has been able to indicate improvements to response times, in particular due to the reduction of incomplete requests. The simplification of IRCC’s request form through the use of drop-down menus is an excellent example of an initiative with measurable positive outcomes for requesters and the ATIP Office.

To respond to concerns raised by frequent requesters, I encourage ATIP officials to continue refining the online request form. This could include the use of further drop-down menus for frequently requested information, such as Eligibility information or Officer's Notes, so that time is not wasted processing records that the requester has indicated that they do not wish to receive.

As for IRCC's various ATIP Modernization efforts, I have not been provided with evidence that would allow me to conclude that these have, to date, measurably improved IRCC's ability to meet its obligations under the Act. IRCC's representations lacked clear details regarding concrete initiatives, implementation targets and expected outcomes.

I am concerned that, three years after an audit revealed that the ATIP Office needs to develop a long-term strategic plan to improve managing access and privacy requests, IRCC is still at the stage of "considering all actions to improve the effective and efficient management of the ATIP function at IRCC".

2. I recommend that IRCC:

- Develop a work plan showing the specific, measurable actions taken or to be taken to improve performance within the ATIP office, including:
- Whether IRCC has implemented any further blitzes, under what circumstances, and with what results;
- Details on the implementation of robotic process automation into the administrative processes within the ATIP office;
- Details regarding other potential improvements to IRCC's processing workflow, including increased interoperability between the case management system and the access redaction software;
- Review of the online request form, including consideration of potential solutions to allow requesters to further narrow the scope of their requests and reduce unnecessary processing of records within the client immigration file; and
- Details on the various action plans and ATIP modernization plan, including specific initiatives, implementation timelines and predicted outcomes/gains for each proposed initiative.

I will continue to monitor IRCC's performance through access complaints received by my office.

In addition, in order to inform stakeholders on IRCC's improved performance, I recommend that IRCC:

3. By the end of 2021, publish the concrete results and impacts of all specific, measurable actions stated in its work plan.

DECREASING THE NEED FOR ACCESS REQUESTS

One of the questions my investigation has sought to answer is why there is such a high demand, under the Act, for client information when IRCC offers other options to obtain information, for immigration clients or their representatives, about their immigration application status.

Frequent requesters claim that the information available to applicants or their representatives online, or otherwise communicated by IRCC officials, is not satisfactory. For example, the "status bar", available through IRCC's MyAccount portal, generally only indicates the number of days that have elapsed since receipt of the application. Little, if any, information regarding the actual status of IRCC's processing of an application is provided.

Likewise, correspondence outlining the results of an immigration application provides minimal information to applicants or their representatives. Applicants or their representatives are informed through template letters as to whether applications have been rejected or approved. These letters rarely provide sufficient detail to understand why an application was rejected.

However, despite the frequent requesters' claims that they do not receive adequate information through the IRCC portal, nor through template letters, they did indicate to the OIC that they generally obtain the information that they are seeking through their access requests. This is consistent with the fact that the OIC receives very few exemption complaints on immigration files.

This systemic investigation has made it clear that frequent requesters' inability to obtain sufficient information about their clients' immigration files through other means than access to information is placing a considerable strain on IRCC's ATIP Office and its ability to process requests within the time limits set out in the Act.

DIGITAL PLATFORM MODERNIZATION

Immigration clients want clear and meaningful information regarding their applications, in real time, through intuitive services. In its representations, IRCC acknowledged these “changing client expectations” regarding the availability of client immigration information, and indicated that it is undergoing a “Digital Platform Modernization” that it expects to roll out over the coming years, with the first product to be available in early 2021-22. This transformation includes improvements to the MyAccount portal, the implementation of push notifications and improvements to generic content on IRCC’s website. IRCC indicates that full implementation of these initiatives will take 2 to 3 years.

REFUSAL LETTERS

IRCC also claims that it is making improvements to immigration client refusal letters, including the Temporary Resident Refusal letter. IRCC expects that a comprehensive review will begin in the last quarter of 2020-21, with a possible implementation of a new Temporary Resident Refusal letter in the first quarter of 2021-22. IRCC anticipates that these improvements will reduce the need for clients to seek information through an ATI request. However, IRCC noted that while this initiative will look to expand the level of detail included in refusal letters, to ensure that clients have an improved understanding of the reasons for refusal, it does not anticipate that the revised letter will include direct excerpts of Officer’s Notes.

IRCC maintains that it is continually improving the online availability of information regarding the case status of immigration applications and that client feedback surveys have been very positive.

OTHER PROGRAM AREA IMPROVEMENTS

The stage of the access request process that remains the most labour-intensive is the review of the records for potential exemptions. I am of the view that improvements can be made to the way in which information is recorded in the case management system, thereby potentially reducing access request processing times. Keeping in mind that frequent requesters are generally satisfied with the amount of disclosure received in the responsive records through their access requests, IRCC should consider “pre-ATIP-ing” its immigration file as it is created, by providing space for content that can be disclosed, content that should not be disclosed, and content that requires review.

These improvements could not only result in faster access request processing times, they could also potentially pave the way for more automation within the ATIP workflow. IRCC did not indicate that it has any initiatives underway to improve its information management at the program level.

I find that the strategies developed and implemented to date by the IRCC have not sufficiently addressed the root causes of the increased volume of access requests, which in turn have strained the ATIP Office’s ability to comply with the Act.

Based on the investigation and IRCC’s representations, I recommend that IRCC:

4. Implement or augment its plans and strategies to improve the availability of client immigration information so as to alleviate undue pressure on the access regime.

RESOURCES OF THE ATIP OFFICE

Over the last three years, IRCC’s volume of access requests for immigration file records has substantially increased (i.e. 62,928 in 2017-18; 81,013 in 2018-19; and 115,558 in 2019-20). The information gathered during the OIC’s investigation suggests that increases in staffing of IRCC’s ATIP office have not kept pace with the increases in the volume of requests received.

During the investigation, I pointed out to IRCC that staffing levels in its ATIP office over the past few years fall well short of the resources devoted by other government institutions to their ATIP function based on volume of requests.

In response, IRCC claims that its ATIP workforce is able to produce more than other departments with fewer resources. The institution maintains that workforce levels and processes are consistently reviewed to ensure client needs are met and quality service is provided, and points to other strategies within ATIP to address increasing volumes.

IRCC acknowledges however that the increase in volume continues to put pressure on the department’s resources.

A knowledgeable workforce and initiatives to address increasing volumes of requests cannot compensate for a sufficiently resourced workplace.

Based on the information gathered during the OIC's investigation and in particular IRCC resorting to backlog blitzes, and claiming extensions of time as a matter of course based on the volume of requests (as opposed to criteria set out in the Act), I am concerned that the IRCC ATIP Office is not currently adequately resourced. As a result, I recommend that IRCC:

5. Secure adequate short-term human and financial resources for its ATIP processes so it can meet its obligations under the Act, until permanent solutions to decrease the demands placed on its ATIP Office are implemented.

CONCLUSION

An open, transparent and client service-based approach to government recognizes that formal access requests should complement and not replace other mechanisms by which individuals can effectively and easily obtain government information. IRCC has already implemented various measures, such as online portals, by which applicants or their representatives can access some immigration information. However, my investigation has revealed that the information available through these other measures is not adequate and as a result, clients or their representatives turn to the access regime to obtain the information that they seek. This in turn is putting a strain on the ATIP office and its ability to respond to requests under the Act.

IRCC is a department that has shown itself to be adaptable and agile, especially for its size. For example, during the COVID-19 pandemic, its ATIP Office, as well as the rest of IRCC, has had to adjust its processes and procedures to facilitate employees to telework, by equipping employees with sufficient remote capacity. IRCC processed access and privacy requests throughout the pandemic and its ATIP Office continues to function well despite the challenges imposed by the current sanitary measures and confinement rules.

On December 7, 2020, IRCC's compliance rate stood at 79%. This represents a significant improvement compared to the previous year, and is but one example of why IRCC is perceived as a leader by the ATIP community.

In that spirit, I call on IRCC to be bold and ambitious in its plans to transform the way in which it delivers immigration information to its clients. Many of the initiatives described by IRCC continue to focus on making incremental improvements to established, traditional ATIP processes, with minimal results. In addition, other, more substantial changes are currently in planning or initial implementation stages, but their results will not be evident until sometime in the future.

While increased funding to IRCC's ATIP unit would most certainly result in some improved compliance with the Act, the information gathered throughout this investigation suggests that "scaling up" ATIP operations to meet demand, if not combined with significant additional measures, is unlikely to sufficiently address the challenges currently faced by IRCC. Finally, IRCC must cease its practice of claiming extensions of time as a matter of course in response to requests from its frequent requesters, and should instead focus on implementing measures that can alleviate the pressure on its ATIP Office.

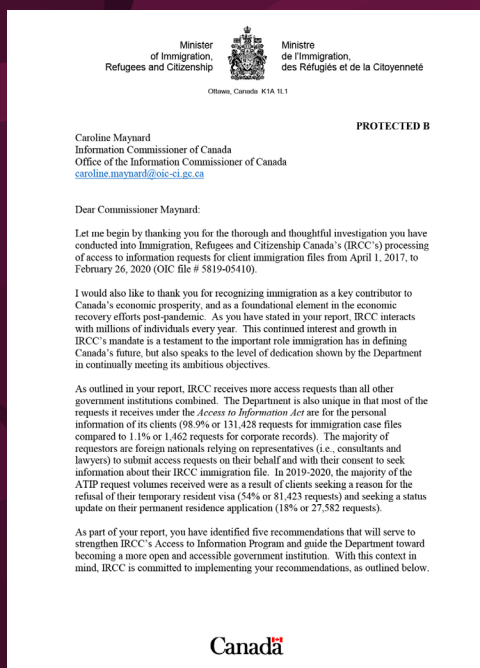
Parenthetically, I note that in its representations, IRCC raises concerns regarding "dishonest actors who are taking advantage of vulnerable individuals" by, for example, charging its clients high rates for access requests made on their behalf. IRCC notes that actions are being taken to regulate the immigration consultant industry. While I understand the difficulties this practice may present to the institution, the issue unfortunately lies beyond my legal jurisdiction. This is why I have not addressed it further in my report.

The intention of this initial report is not to solicit further representations from IRCC, since the investigation is complete and I have provided my recommendations.

Rather, the Minister of Immigration, Refugees and Citizenship should give me notice by March 15, 2021, of the action he has taken or proposes to take to implement my recommendations or provide the reasons why he will not take any action. A final report, setting out my findings and the order, will be issued once that deadline has passed. Should you wish to discuss any aspect of this matter, please do not hesitate to communicate with me at 819-994-0001.

Caroline Maynard
Information Commissioner of Canada

ANNEX 1.2



Letter from the Minister of Immigration, Refugees and Citizenship received by the OIC on March 22, 2021, that responds to the Commissioner's findings and provides a further update regarding IRCC actions.

Caroline Maynard
Information Commissioner of Canada
Office of the Information Commissioner of Canada
caroline.maynard@oic-ci.gc.ca

Dear Commissioner Maynard:

Let me begin by thanking you for the thorough and thoughtful investigation you have conducted into Immigration, Refugees and Citizenship Canada's (IRCC's) processing of access to information requests for client immigration files from April 1, 2017, to February 26, 2020 (OIC file # 5819-05410).

I would also like to thank you for recognizing immigration as a key contributor to Canada's economic prosperity, and as a foundational element in the economic recovery efforts post-pandemic. As you have stated in your report, IRCC interacts with millions of individuals every year. This continued interest and growth in IRCC's mandate is a testament to the important role immigration has in defining Canada's future, but also speaks to the level of dedication shown by the Department in continually meeting its ambitious objectives.

As outlined in your report, IRCC receives more access requests than all other government institutions combined. The Department is also unique in that most of the requests it receives under the *Access to Information Act* are for the personal information of its clients (98.9% or 131,428 requests for immigration case files compared to 1.1% or 1,462 requests for corporate records). The majority of requestors are foreign nationals relying on representatives (i.e., consultants and lawyers) to submit access requests on their behalf and with their consent to seek information about their IRCC immigration file. In 2019-2020, the majority of the ATIP request volumes received were as a result of clients seeking a reason for the refusal of their temporary resident visa (54% or 81,423 requests) and seeking a status update on their permanent residence application (18% or 27,582 requests).

As part of your report, you have identified five recommendations that will serve to strengthen IRCC's Access to Information Program and guide the Department toward becoming a more open and accessible government institution. With this context in mind, IRCC is committed to implementing your recommendations, as outlined below.

1. USE OF TIME EXTENSIONS ON BULK REQUESTORS

Further to your recommendation, I would like to report that IRCC has ceased the practice of automatically claiming time extensions under paragraph 9(1)(a) of the Act based on the combined volume of records over numerous requests submitted by bulk requestors.

While IRCC has organized its system as efficiently as possible, bulk requestors take a significant amount of IRCC resources due to their sheer volume. In 2019-2020, IRCC's top five requestors on average requested 6,157 pages of records per business day or more than 30,000 pages per week. These top five requestors alone made over 10,000 requests last year. Paired with the extraordinary growth in requests (117,000 in 2019-2020 compared to 82,000 in 2018-2019), it became apparent that IRCC needed to take steps to support broader access rights in an equitable manner.

Nevertheless, on March 1, 2021, the Department stopped the application of 9(1)(a) time extensions in instances where a large volume of records is met by grouping multiple requests from the same individuals.

2. WORK PLAN FOR PROCESS IMPROVEMENTS

I appreciate your recognition of how the Department has undertaken a number of initiatives to tackle the unprecedented and unparalleled access to information volumes it faces. As you have stated, blitzes effectively eliminate build-ups of requests in the short term, but they can place strain on employee wellness and, if not carefully managed, can also cause bottlenecks in other areas of processing requests. That is why IRCC is looking at other, more sustainable measures to support its efforts.

This includes innovative approaches being pursued to automate administrative functions linked to IRCC's ATIP processing, acquiring new and responsive software to increase processing efficiencies and interoperability, as well as pursuing further improvements to the Department's ATIP online request form. To this end, IRCC agrees with your recommendation to develop a work plan showing specific, measurable outcomes on these and other actions to be taken to improve performance within its ATIP office.

3. PUBLISH CONCRETE RESULTS AND IMPACTS OF WORK PLAN

IRCC remains open, transparent, and accountable, and has developed a long-term strategic plan to improve the management of access and privacy requests in response to the 2019 internal audit of ATIP management. IRCC fully supports and agrees with your

recommendation to publish the concrete results and impacts of all specific, measurable actions stated in its work plan. This information, as detailed in your report, will be shared with your office by the end of 2021, in addition to being included in IRCC's Access to Information Act Annual Report, which will be published on IRCC's Website.

4. IMPLEMENT A PLAN TO IMPROVE THE AVAILABILITY OF CLIENT IMMIGRATION FILES

Client expectations are changing. They want clear and meaningful information, in real time, through intuitive services. In its absence, they resort to other means, such as ATIP requests, in the hopes of obtaining the information they need. IRCC agrees with your recommendation, and is working to implement its plans and strategies to improve availability of client immigration information, as outlined below.

DIGITAL PLATFORM MODERNIZATION (DPM)

IRCC is actively pursuing updates and improvements to its MyAccount functionality that will allow for the better communication of case status information to clients. The full implementation of the DPM, which will underpin a new Digital Experience Platform, and the full rollout of the new MyAccount functionality, is expected in 2023-2024.

In the short-to-medium term, IRCC anticipates launching a minimum viable product for improved online self-serve case status information for the citizenship grant line of business. It is expected that this new functionality will be rolled out to subsequent lines of business, including permanent resident programs that face higher ATIP volumes.

As IRCC works to fully implement its new Digital Experience Platform, it will continue to incorporate client insights and feedback to maximize usability.

REFUSAL LETTERS

IRCC understands the importance of producing client-centric correspondence such that letters are clear and easy to understand. These communications must also provide clients with valuable information to help them in their immigration journey.

To this end, IRCC is undertaking a comprehensive review to expand the level of detail included in refusal letters to help clients better understand the reason why their application was refused. Any changes to correspondence will involve direct engagement through usability testing to make sure that the improvements provide clients with the information that they want, in a way that is easy to understand. It is expected that client-centric correspondence may reduce the need for clients or their representatives to submit ATIP requests. IRCC anticipates implementing the new refusal letter by spring/summer 2021.

IRCC is also undertaking substantive analysis of the root causes driving clients to submit ATIP requests. By the end of 2021, the Department anticipates completing this analysis and examining pilots that explore alternative means of getting clients the information they are seeking.

OTHER PROGRAM AREA IMPROVEMENTS

IRCC acknowledges that the review of the records for potential exemptions remains significantly labour intensive. IRCC's GCMS case processing system holds a large volume of information for its multiple Immigration, Citizenship, and Passport programs. Further, many users within Canada, overseas, and in other departments administering IRCC programs use this system.

The recommendation of "pre-ATIPing" all information in GCMS is not currently a feasible option. "Pre-ATIPing" would cause a significant resource strain on the Department and be of limited effectiveness, as the vast majority of immigration case files are not requested through the Act. IRCC holds a considerable amount of personal and sensitive information. Given these factors, combined with numerous system users, releasing information without review is a risk that could cause irrevocable harm to IRCC's clients and partners.

5. SECURE ADEQUATE HUMAN AND FINANCIAL RESOURCES

IRCC agrees with this recommendation and is working towards securing additional human and financial resources, in conjunction with the departmental comprehensive action plan, while implementing permanent technological solutions to meet its obligations under the Act.

In addition to addressing the recommendations you have outlined, I would like to request your support on matters that I see as having the potential to enhance ATIP services to Canadians and non-Canadians. I understand that the OIC advocates for broad access to information, as it should. Federal institutions that are subject to the Act play an important role and greatly benefit from your office's continued assistance and oversight. Your continued support in advocating for advancement in the following areas would be greatly appreciated:

- continuing to advocate for improvements to the Act and broader access to information, but in a manner that balances the right of requestors to access information with the operational impact it has on departments' ability to efficiently respond to access requests; and,
- investigating the practices of consultants who are profiting from the facilitative information access regime at the expense of foreign nationals and the Canadian taxpayer.

IRCC is committed to meeting its obligations under the Act, and I am positive that our ongoing collaboration will strengthen the access to information regime. As a next step, IRCC will send you a complete Management Action Plan for the above referenced recommendations, as well as a comprehensive list of ATIP modernization initiatives, by April 15, 2021.

I would like to thank you and your organization for the ongoing open and collaborative relationship you have with the Department in implementing these recommendations to modernize IRCC's ATIP program.

Yours sincerely,

The Honourable Marco E.L. Mendicino, P.C., M.P.
Minister of Immigration, Refugees and Citizenship

